

REQUEST FOR PROPOSALS

Meridian Street Library, East Boston

CITY OF BOSTON

DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT

280-282 Meridian Street,
Central Square, East Boston



Contact Information:

Department of Neighborhood Development
26 Court Street, 9th Floor,
Boston, MA 02108
Attn: Reay Pannesi
reay.pannesi@boston.gov
(617) 635-0567

How to obtain the Request for Proposals and supporting documents via the DND website:

Go to:
<http://www.CityofBoston.gov/DND/RFP>
Click on "Request a Copy".
If you have any problems accessing the system, please call (617) 635-0493.

Proposal Submittal Deadline:

Proposals will be received until **May 1, 2015 at 4:00 p.m.** (EST) at:
Department of Neighborhood Development
26 Court Street, 10th Floor (Bid Counter)
Boston, MA 02108

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Notice to Proposers Regarding Downloadable RFPs

If you have picked up this Request for Proposals from DND's Bid Counter, you should know that this RFP is also available for download at <http://www.cityofboston.gov/dnd/rfp>. The on-line version of the RFP is identical to the version available through the Bid Counter. To access this function you will need the most recent edition of Adobe Reader installed on your computer. A link to the free download program is provided in the right hand column of the webpage listed above.

FORMS:

Each of the following forms MUST be completed and returned with your proposal. These are links to forms containing fillable lines to enable you to complete them on your computer. Remember to select "save as" on your computer before printing to ensure you retain an electronic copy of your filled-in forms. You will still need to submit paper copies of your proposal to the Bid Counter in the form specified in this RFP – DND does not accept electronic submissions. Please note, DND will provide paper copies of these forms upon request. To do so, please contact the Project Manager as indicated on the cover.

1. [Proposal Form-Price](#)
2. [State Proposers Qualif](#)
3. [Prelim Develop Bdgt-Rev2](#)
4. [Prelim Ops Bdgt](#)
5. [Developmen Timetable-Proposers](#)
6. [Construction Employment Statement](#)
7. [Property Affidavit-From Intranet](#)
8. [AFFIDAVIT OF ELIGIBILITY](#)
9. [Conflict of Interest Affidavit](#)
10. [Ver 2-Ch 803 Disclosure Statement](#)
11. [Ver 1-Beneficial Interest Statement](#)

1. OVERVIEW – DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT

The City of Boston Department of Neighborhood Development (DND), formerly the Public Facilities Department, is the local government agency in the City of Boston that:

1. Creates affordable and mixed-income housing;
2. Assists small businesses and community job generators with commercial property development opportunities;
3. Supports the preservation of historic architecture;
4. Develops open spaces, including community gardens and farms;
5. Provides homeownership opportunities, grants, loans and trainings; and
6. Implements programs to support the economic development of small businesses.

DND is also responsible for disposing of tax foreclosed and surplus real property that is under the care and custody of the Public Facilities Commission. DND's property disposition process operates in accordance with Massachusetts General Law (M.G.L.), Chapter 30B which governs municipal property dispositions. Accordingly, **DND is hereby offering 280-282 Meridian Street, East Boston, MA, the former Meridian Street branch library**, under this Request for Proposals (RFP).

Before offering a property such as this, DND consults extensively with local residents, community organizations and associations and community leaders to establish development guidelines that reflect the community preferences for acceptable and unacceptable uses of the offered property. Those preferences are then incorporated into the RFP and, eventually, set the parameters of the final contract between the City and the Successful Proposer. DND reviews all proposals it receives under this RFP, disqualifies any that do not meet the "Minimum Eligibility Criteria" described in Section 8 of this RFP, ranks the remaining proposals according to the General Evaluation Criteria and Compliance Evaluation Criteria set forth in Section 8, and then designates the selected developer for the property.

2. SCOPE OF PROJECT

The purpose of this RFP is to establish a contract with a qualified reputable developer, capable of developing the offered property in a manner that is agreeable to the City of Boston and the residents of East Boston.

The following site is being made available under this RFP:

Site	Assessor's Parcel Numbers	Lot Size (square feet)	Interior Square Footage
280-282 Meridian Street	01-05935-000	10,486	15,456

The library, built in 1913, contains two upper stories and a lower level containing an auditorium/theater. It was designed by the architect James E. McLaughlin of McLaughlin & Burr, a downtown Boston architectural firm with a presence from approximately 1900 to the late 1920s. Other buildings designed by McLaughlin include the former Commonwealth Armory on Commonwealth Avenue in Boston. This classical revival structure replaced the original East Boston branch library which opened in 1870 and was reportedly the first free branch library in the United States. The building is of brick and block construction and features lovely exterior architectural detailing such as a five bay façade and six bay sides. It has end-bay entries with

consoles supporting pedimented hoods and flanking three round arched windows with balustrades, molded stone windows and some dentil cornice detailing.

a. Current Zoning:

This property is located in the Central Square Community Commercial (CC) sub-district with no design overlay.

b. The Neighborhood:

The property is located on the main thoroughfare of Meridian Street near the corner of Princeton Street, just beyond Central Square, in the East Boston neighborhood of the City of Boston. The property uses along Meridian Street are a mix of residential multi-family buildings, mixed-use and commercial buildings. The site is accessible by public transportation via the blue line Maverick Square subway stop which is approximately one half mile away. MBTA buses also run directly by the site.

More information about the neighborhood is available at:

www.cityofboston.gov/neighborhoods/eastboston.

c. Property Viewing:

Proposers are advised to avail themselves of the opportunity to view the site in order to aid in the preparation of their proposals. Two public viewing dates will be available:

Friday, February 27, 2015 from 10 a.m. until 12 p.m. *and*

Friday, March 27, 2015 from 10 a.m. until 12 p.m.

3. DEVELOPMENT GUIDELINES AND OBJECTIVES

The development guidelines and objectives in this section were crafted from information collected at community meetings, phone calls, e-mails, and on-line comments received by DND.

The developer must address each of the following considerations in his/her development concept narrative, construction description narrative and design documents, as appropriate. Further, the developer must agree to work with the community to resolve any future issues that may arise as the development project moves forward.

a. Preferred Use of the Property:

The community expressed a desire to have the property purchased and developed in such a way that it will continue to serve the larger East Boston community. Generally, the community requested that the development appeal to a broad base of community interests and age groups. Program ideas suggested included the following:

- Technology training for all ages,
- Incubator space for high technology or innovation start-ups,
- Community theater and performance space,
- Community gathering space that may include restaurants or cafes,
- Art exhibits that reflect the rich maritime history of East Boston, and
- Other appropriate programming that is consistent with these themes.

The redevelopment must reasonably limit noise and traffic impacts in order to minimize any adverse effects on the quality of life of the immediate abutters.

b. Unacceptable Use of the Property:

Residents were not in favor of proposed developments that include housing because of traffic and parking considerations.

c. Maintaining the Historic Nature of the Property:

Any development must place an emphasis on a historically correct rehabilitation and adaptive reuse of the property to preserve historic elements and character-defining architectural features both inside and out. The structural integrity of the exterior should be maintained and not altered. The renovation should be completed using appropriate and recognized architectural preservationist protocol.

4. PROJECT REQUIREMENTS

a. General

The asking price* for the property is 100% of the currently appraised value of the property: **\$1,225,000.00.** Offer price is among many factors in determining the most highly advantageous proposal, so proposers are encouraged to make competitive offers. For more information on comparative evaluation criteria, please refer to Section 8b.

A Proposer may offer less than the asking price, but he/she must credibly demonstrate that his/her development concept is not financially feasible at the asking price. Reasons for this may include, but not be limited to, extraordinary expenses to be incurred, or specific community benefits that the development will provide which will prohibit the Proposer from maximizing operating income. In order to offer less than the asking price, the Proposer must include a written description of why his/her offer price is reduced, and provide development pro formas that support the lower offer price.

*If a Proposer is a church or religious entity, in compliance with the Commonwealth of MA constitution, he/she/they must offer the full value of the site, or **100% of the assessed value**. Failure to make such offers will be grounds for disqualification of the proposal. **A proposer whose pro forma includes the use of City funding should offer no more than \$100 per parcel.**

- i. While DND has conducted a title examination of the property, DND makes no warranty or representations as to its accuracy and recommends that Proposers conduct their own title examinations.
- ii. If selected as a finalist, a Proposer may be required to present his/her/their plan of development at a community meeting organized by DND.
- iii. Performance under this Request for Proposals will be closely coordinated with the Project Manager and any other staff member designated by DND. Questions pertaining to requests for technical guidance and direction should be directed in writing to the assigned Project Manager, or other designated DND representative. However, such DND representative(s) will

only provide necessary background information and guidance; they will under no circumstances change the terms and conditions of this engagement.

- iv. The developer shall prepare and deliver to their assigned DND Project Manager a monthly status report. The report should include a description of the work completed that month regarding, but not limited to, the following:
 - 1. Zoning Board of Appeal (ZBA) Application(s)
 - 2. Inspectional Services Department (ISD) Permit(s)
 - 3. Final Design Specifications
 - 4. Environmental Testing or Remediation
 - 5. Acquisition of Financing
 - 6. Community Feedback
- v. The Successful Proposer shall designate qualified representatives as points of contact to assist DND, as needed, throughout the engagement. Names, phone numbers, and e-mail addresses of proposed representatives are to be listed in the proposal.

b. Developmental

- i. The Successful Proposer will produce an appropriate plan of development that meets the City's requirements within specified time frames. The Proposer must indicate and fully explain its plan for redevelopment and how that redevelopment coincides with DND's stated scope for the Project, with particular emphasis on the goal of historic preservation of the structure.
- ii. The contract period of performance shall be for twelve (12) months from the tentative designation award. If the Property has not been made development-ready within twelve (12) months, DND may choose to grant additional time for performance or to rescind the award, at its discretion.
- iii. The determination of whether services were performed satisfactorily is at the sole discretion of DND.
- iv. The Successful Proposer will confirm all scheduled project milestones with DND prior to initiating work.

c. Operational

- i. The Successful Proposer shall maintain a safety and environmental program that complies with all applicable local, state and federal regulations.
- ii. After conveyance the Successful Proposer will be responsible for the condition of the property. He/she/it must take any steps necessary to keep the property free of trash, debris, and snow.
- iii. The Successful Proposer will affirmatively and fairly solicit qualified subcontractors from residents of the local community.
- iv. If the Successful Proposer is a for-profit firm with 25 or more full time employees, or a non-profit firm with 100 or more employees, it will be required to make its best efforts to adhere to the Boston Jobs and Living Wage Ordinance, and the provisions of the Promulgated Regulations, including the "First Source Hiring Agreement" provisions of said Ordinance.

d. Design

- i. Building construction must take into consideration the existing standards of the community, i.e., building height, mass, and scale and take a preservationist approach to the rehabilitation of the property.
- ii. Building materials must be of good quality and take advantage of sustainable building principles and MEP systems.

- iii. A Proposer must present a design that includes a thoughtful exterior with attractive windows, doors, and exterior cladding and/or masonry, while maintaining the existing historic integrity of these elements as described in section 3c. and 4d.vi.
- iv. Any construction of permanent structures on the property must comply with the Boston Zoning Code and Massachusetts Building Code, whether as-of-right or by variance.
- v. If the proposed design makes use of adjacent parcels, the Proposer must demonstrate site control of such other parcels by way of a fully executed, and currently dated, Purchase and Sale Agreement or a signed, and currently dated, Option Agreement.
- vi. The architectural integrity and appearance of the building must not be altered in any significant way and the historic character and authenticity must be maintained.

5. SUBMISSION INSTRUCTIONS

Proposers **MUST** submit an **original and three (3) copies** of the proposal in the sealed envelope to the Department of Neighborhood Development, Bid Counter (either in person or by mail) by **May 1, 2015** at 4:00p.m.

26 Court Street, 10th Floor
Boston, MA 02108

Bid Counter hours are Monday—Friday from 9:00 a.m. - 12:00 noon and 1:00 p.m. - 4:00 p.m. The Bid counter is closed Monday through Friday from 12 noon to 1:00 p.m. and after 4 p.m.

Any proposals received after the date and time specified in this RFP will be rejected as non-responsive, and not considered for evaluation.

6. REQUIRED SUBMISSION DOCUMENTS

The following is a list of all documents necessary for a complete proposal. Submitting these documents in the order listed below will facilitate the City's ability to determine if your application is complete and eligible for further review. Incomplete proposals will be rejected. These forms are available by clicking on the links that follow the Table of Contents of this RFP.

a. Introductory Documents:

- i. Proposal Form – Price (see link)
- ii. Proposal Summary (prepared by Proposer – see Section 7.)

b. Comparative Evaluation Criteria Documentation:

- i. *Statement of Proposer's Qualifications Form (see link)*
- ii. *Preliminary Development Budget Form (see link)*
- iii. *Preliminary Operating Budget Form (see link)*
- iv. *Development Timetable Form (see link)*
- v. *Construction Employment Statement Form (see link)*

c. Compliance Review Documentation:

- i. *Property Affidavit Form (see link)*
- ii. *Affidavit of Eligibility Form (see link)*

- iii. *Conflict of Interest Affidavit Form (see link)*
- iv. *Chapter 803 Disclosure Statement Form (see link)*
- iv. *Beneficial Interest Statement Form (see link)*

7. PROPOSAL SUMMARY

In addition to the required forms listed in Section 6, the following information shall be submitted in the Proposer's written Proposal Summary. This is an opportunity for the Proposer to convey, in his/her/its own words to the Evaluation Team, how the proposed project will be a highly-beneficial use of the Property; how it will also be cost-effective, timely, and provide options superior to those currently available to the community. Omission of any of the required information may lead to a determination that the proposal is non-responsive. Please provide the following items as listed:

a. Introduction

- i. An overall introduction to the Proposer that includes a statement of the Proposer's interest in Project.
- ii. A description of the Proposer's organizational structure, including a list of qualified representatives and key personnel.
- iii. A description of any lawsuits brought against the Proposer or principals in courts situated within Massachusetts within the past five years.

b. Development Plan

- i. A description that conveys the Proposer understands the services to be performed. The Proposer must indicate and fully explain its plan for development and how it coincides with DND's stated scope for the Project and the Project Requirements. Also, the Proposer must provide a credible scheme for accomplishing its stated goals and/or objectives.
- ii. A time schedule proposed to accomplish the tasks listed in Section 4, Project Requirements, as well as the goals/objectives unique to the submitted proposal.
- iii. In digital format (one copy either on a CD or a flash drive), copies of drawings that best represent the proposed plan including rendering(s), and site plan(s), and any relevant floorplan(s) if buildings are proposed. These drawings will also be available to the public to assist in their assessment of the proposal.

c. Operational Plan

- i. Summary of the plan for the operation of the facility once development is complete. Include the anticipated annual costs, as well as the planned sources of funding.

d. Developer Qualifications, Experience and References

- i. A narrative supported by relevant data regarding qualifications and past experience with similar projects. Proposer must provide detailed descriptions of previous relevant work completed and the results or outcome of that work. Proposers shall also furnish three current references including, names, addresses, e-mail addresses, phone numbers, and principal contacts in which the Proposer has provided comparable services.

e. Permits/Licenses

- i. A list of relevant business permits/licenses (with expiration dates).

f. Subcontractors or Partnerships

- i. If applicable, explain the relationship(s) between the Proposer and any third-party developers, subcontractors, or community partners that might influence the Proposer's development plan.

g. Additional Data

- i. Any other relevant information the Proposer believes is essential to the evaluation of the proposal (i.e., aesthetic designs, environmental sustainability goals, property management plans, ideas for selection of subcontractors, methods of obtaining community engagement, etc.).

8. EVALUATION PROCESS

Proposals will be reviewed and selected using a 3-part process.

First, proposals must meet the City's Minimum Eligibility Criteria as described below. The Selection Committee shall then assign a composite rating for each proposal it evaluates based upon the Comparative Evaluation Criteria set forth below. The Most Highly Advantageous proposal from a Proposer meeting both the Minimum and Comparative Evaluation Criteria will be selected.

Only Proposals that satisfy the Minimum Eligibility Criteria will be comparatively evaluated based on the Comparative Evaluation Criteria. A rating of Highly Advantageous, Advantageous or Not Advantageous will be decided for each criterion. The selection committee will formulate a comparative composite rating to determine the Most Highly Advantageous proposal. To facilitate DND's final evaluation of Comparative Evaluation Criteria, DND may require Proposers meeting threshold criteria, to present their plans of development to the community. The committee will then factor community input received at this presentation, into the final, overall rating.

Prior to designation by the Public Facilities Commission, the "Most Highly Advantageous Proposer," one who has satisfied the Minimum Eligibility Criteria and is found to have the overall most highly advantageous composite rating based on the Comparative Evaluation Criteria, will be subject to a final Statutory Compliance Review to determine compliance with various City regulations, ordinances and policies.

a. Minimum Eligibility Criteria:

- i. **Proposal Received by Deadline.** Only proposals that are received by the date, time, and at the location indicated in Section 5 of this RFP will be accepted.
- ii. **Complete Proposal Submission.** Proposals must contain all necessary forms and documents as required in Section 6 of this RFP, including all required signatures and certifications.

b. Comparative Evaluation Criteria:

- i. **Developer Experience and Capacity.** This is an evaluation of Proposer's experience in developing projects comparable to the proposed project.
Highly Advantageous: A development team that has successfully completed at least one similar project in scope and use to the one proposed, involving a historically significant building with an adaptive reuse.
Advantageous: A development team that has successfully completed at least one similar project in scope and use to the one proposed, that is not an adaptive reuse of a historic building. This team is able, however, to

articulate how it will execute an adaptive reuse of a historically significant building.

Not Advantageous: A development team that has not completed a similar project in scope and use to the one proposed and is not able to articulate how it will execute an adaptive reuse of a historically significant building.

- ii. **Plan of Development and Design Concept.** This is an evaluation of the proposed redevelopment of the property, including all major physical changes to the property and the planned end use of the property. This evaluation will look at how well the proposal incorporates: (1) the Development Guidelines and Objectives set out in Section 3; and (2) the Design considerations as set out in Section 3 and 4 d., including the use of any additional sites, if applicable.

Highly Advantageous: The Proposer provides a set of preliminary drawings including a site plan, floor plans, elevations, landscaping plans and a description of how historic and period details of the interior and exterior of the building will be renovated and preserved using appropriate historic preservation protocol. The Proposal is compatible with Development Guidelines and Objectives and fully addresses all design considerations.

Advantageous: The Proposer supplies some preliminary drawings, and provides a description of how historic and period details of the interior and exterior of the building will be preserved using appropriate historic preservation protocol. The Proposal is compatible with most, but not all Development Guidelines and Objectives and addresses most but not all design considerations.

Not Advantageous: The Proposer's drawings lack detail and provide an insufficient description of how historic and period details of the interior and exterior of the building will be renovated and preserved. The Proposal is not compatible with many of the Development Guidelines and Objectives and addresses few design considerations.

- iii. **Development Cost Feasibility.** This evaluation assesses the accuracy and completeness of the Preliminary Development Budget, including site prep, environmental remediation expenses, and construction hard and soft costs. The selection committee will determine whether, in its opinion, the stated cost of development is sufficiently inclusive and reasonable.

Highly Advantageous: The development budget is complete, thorough and appears accurate for the proposed project. The budget includes appropriate contingency expenses. Because of these factors, the development cost appears to be highly feasible.

Advantageous: The development budget is complete and thorough, but deviates from projects similar to the one proposed. Some expenses in the budget appear inaccurate or atypical, and there is no further justification or explanation for this apparent deviation. Because of these factors, the development cost appears to be reasonably feasible.

Not Advantageous: The development budget is incomplete, lacks detail and / or appears very inaccurate for the proposed project. Because of these factors, the development cost appears to have a low likelihood of feasibility or to be infeasible.

- iv. **Developer's Financial Capacity.** This is an evaluation of Proposer's ability to secure, in a timely manner, all financing stated in its Preliminary Development Budget.
- Highly Advantageous: The Proposer is able to provide documentation of more than necessary cash on hand, lines of credit or other liquid equity to fully satisfy the Preliminary Development Budget as presented.
- Advantageous: The Proposer is able to provide evidence of a credible fund raising program or capital campaign program underway to raise sufficient funds in a reasonable time frame in order to fully satisfy their Preliminary Development Budget. The Proposer must be able to demonstrate experience in successfully raising funds in this manner for another significant project.
- Not Advantageous: The Proposer does not provide evidence of or documentation for any financing, funding sources or equity to satisfy the development budget; or the documentation or evidence is insufficient or out dated.
- v. **Operational Feasibility.** This evaluation is based on two factors: 1) the relative strength of the proposed operating budget to identify and address all reasonable operating expenses and 2) the relative capacity to raise the necessary resources to fund the operating budget.
- Highly Advantageous: The Proposer provides a highly reasonable and justifiable operating budget for a project of the type proposed. The Proposer is able to document with high likelihood, that the sources of funds will be available to sustain the operations as described.
- Advantageous: The Proposer provides a reasonable and justifiable operating budget for a project of the type proposed. The Proposer is able to document with reasonable likelihood that the sources of funds will be available to sustain the operations as described.
- Not Advantageous: The Proposer does not provide a credible or detailed enough operating budget or is unable to reasonably document the source of funds to sustain operations, and / or fails to properly demonstrate the likelihood of securing such funds.
- vi. **Development Schedule.** This is an evaluation of the Proposer's planned Development Timetable, readiness to proceed and overall development capacity given its pipeline, relative to other proposals. The total construction time (from developer selection to completion) will be an important evaluation factor.
- Highly Advantageous: The Proposer provides a highly reasonable and justifiable development schedule for a project of the type proposed. The Proposer's development timetable, readiness to proceed and capacity are clearly superior to that of all other Proposers.
- Advantageous: The Proposer provides a reasonable and justifiable development schedule for a project of the type proposed. The Proposer's development timetable, readiness to proceed and capacity are sufficient to complete the project in a timeframe that is equal to other Proposers.
- Not Advantageous: The Proposer does not provide a credible or detailed enough development schedule for a project of the type proposed. The Proposer's development timetable, readiness to proceed and capacity are inferior to those of other Proposers.

- vii. **Offer Price.** This is an evaluation of the price that the Proposer states it will pay for the property, considered in the context of other offers received.
Highly Advantageous: The Proposer's offered price is higher than the average of all prices offered.
Advantageous: The Proposer's offered price is equal to the average of all prices offered.
Not Advantageous: The Proposer's offered price is less than the average of all prices offered.

- viii. **Community Benefits.** This is an evaluation of the benefits that the Proposer demonstrates that it will provide to the community, aside from the renovation of this building. Examples of community benefits include things such as ongoing jobs provided, maintenance or creation of open space, support of community-based groups, or other similar benefits.
Highly Advantageous: The Proposer describes and quantifies specific benefits that it will provide to the community, aside from the renovation of the property. The level of benefits provided will be superior to those provided by other Proposers.
Advantageous: The Proposer describes and quantifies specific benefits that it will provide to the community, aside from the renovation of the property. The level of benefits provided will be equal to those provided by other Proposers.
Not Advantageous: The Proposer does not sufficiently describe and quantify specific benefits to the community, aside from the renovation of the property. The level of benefits provided would be inferior to those provided by other Proposers.

c. Compliance Review ("Disqualifiers"):

- v. **Tax Delinquency Review.** The City of Boston Collector-Treasurer's Office will conduct a review of the selected proposer's property tax history. The selected proposer cannot be delinquent in the payment of taxes on any property owned within the City of Boston. The selected proposer must cure any such delinquency prior to the conveyance of the Property. If the selected proposer has been foreclosed upon by the City of Boston for failure to pay property taxes, then said proposer will be deemed ineligible for conveyance of the Property offered pursuant to this RFP, unless such proposer promptly causes the decree(s) or judgment(s) of foreclosure to be vacated by the Land Court and the City made whole. DND, in its sole discretion, shall determine the timeliness of the selected proposer's corrective action in this regard and will disqualify the proposer if vacating the tax-title foreclosure is not prosecuted expeditiously and in good faith, so as to avoid undue delay.
- vi. **Water and Sewer Review.** The City of Boston Water and Sewer Commission will conduct a review of the selected proposer's water and sewer account(s). The selected proposer cannot be delinquent in the payment of water and sewer charges on any property owned within the City of Boston and, if found to be delinquent, must cure such delinquency prior to a vote request to the Public Facilities Commission for conveyance of the Property.

- vii. **Property Portfolio Review.** The City will review the selected proposer's portfolio of property owned to ascertain whether there has/have been abandonment, Inspectional Services Department (ISD) code violations or substantial disrepair. If unacceptable conditions exist in the selected proposer's property portfolio, DND may deem the selected proposer ineligible for conveyance of the Property.
- viii. **Prior Participation Review.** The City will review the Proposer's prior participation in any City of Boston programs, including DND programs, to ascertain Proposer's previous performance. Proposers found to have not fulfilled their duties or obligations under previous agreement with the City may be deemed to be ineligible for conveyance of the Property.
- ix. **Employee Review.** Neither the Proposer, nor any of the Proposer's immediate family, nor those with whom s/he has business ties may be currently, or have been within the last twelve (12) months, an employee, agent, consultant, officer, or an elected official of the Department of Neighborhood Development. An "immediate family member" shall include parents, spouse, siblings or children, irrespective of their place of residence. Any proposer who fails to satisfy this requirement may be deemed to be ineligible for conveyance of the Property.

[All forms required for DND's Compliance Reviews are included in the links located at the end of the Table of Contents of this Request for Proposals.]

9. AWARD OF CONTRACT

The City, acting by and through its Public Facilities Commission by the Director of DND, is soliciting proposals for the acquisition of the property located at **280-282 Meridian Street, East Boston**. The City will award a contract to the highest-rated, most highly advantageous proposal based on the above-listed criteria.

DND will review and evaluate proposals promptly after the submission deadline of **May 1, 2015**.

DND reserves the right to award contracts to multiple Proposers, to reject any or all proposals, to waive any informality in the proposal process, or to cancel in whole, or in part, this solicitation if it is in the best interest of the City to do so. A proposal may be rejected if it is incomplete, illegible, or conditional.

An acceptable offer will not include conditional requirements, such as:

- Altering the square footage of the Property;
- Proposing a use for the Property beyond those specified in Section 3. Development Guidelines and Objectives; or
- Proposing a use for the Property that does not benefit the residents of Boston.

DND reserves the right to obtain the opinion of Counsel regarding the legality and sufficiency of proposals. The contract will be awarded, if at all, to the responsive, responsible Proposer(s) that receives the highest overall composite rating in the evaluation process.

10. WITHDRAWAL OF PROPOSALS

Proposals may be withdrawn either personally, by written request or by electronic request at any time prior to the scheduled closing time of receipt of proposals.

11. QUESTIONS

The last day for questions is **April 20, 2015 at 4:00 p.m.** All questions must be submitted in writing by either e-mail or U.S. mail and addressed as shown below.

E-mail: reay.pannesi@boston.gov

U.S. Mail: Department of Neighborhood Development
Attn: Reay Pannesi, Senior Project Manager
26 Court Street, 9th Floor
Boston, MA 02108

Disclaimer: DND will attempt to communicate any changes/addenda to this RFP; however, it is the Proposer's responsibility to check the DND's website regularly for any updates, corrections or information about deadline extensions.

12. TERMS AND CONDITIONS

- a. Assumption of Risk.** The City accepts NO financial responsibility for costs incurred by Proposers in responding to this Request for Proposals. Proposers are responsible for any and all risks and costs incurred in order to provide the City with the required submission.
- b. Public Property.** Proposals submitted to DND will become property of the City. After opening, all proposals become public documents and are subject to the requirements of the Massachusetts Public Records Law (M.G.L. c. 4, § 7(26)).
- c. Terms of Sale.** After a final proposal has been selected, the Successful Proposer will be contacted by DND to finalize the terms of the sale. The terms of the sale will and MUST be consistent with this Request for Proposals, including the advertised purchase price and Project Requirements.
- d. "As Is" Conveyance.** DND will convey the property in "AS IS CONDITION" without warranty or representation as to the status or quality of title. The Successful Proposer/Buyer shall, to the fullest extent permitted by law, assume any and all liability for environmental remediation pursuant to Chapter 21E of the Massachusetts General Laws. Finally, any and all site improvements, such as utility connections and/or street repairs, are the responsibility of the Successful Proposer.
- e. Negotiations.** DND reserves the right to negotiate for changes to the selected proposal. These negotiations may encompass values described in the Request for Proposal, as well as values and items identified during the Request for Proposal and negotiation process. On the basis of these negotiations, DND may decline to sell the property even after the selection process is complete and negotiations have begun.
- f. Closing.** The Successful Proposer must execute a Purchase and Sales Agreement and then close on the sale within ninety (90) days of the date of execution, unless otherwise agreed upon (in writing) by DND. Failure to comply with the obligations

of closing may result in the rescission of any prior agreement(s) with DND regarding the Property.

- g. Restrictions on Transfer.** Properties sold by DND will have particular deed riders and mortgages, as appropriate to the particular disposition, restricting the use of the Property. Unless authorized in writing by DND, the Successful Proposer may not substantially alter the use of the property; permanently cease operations; transfer title of the property; or have any unauthorized financial liens placed on the property. Such actions will trigger a reversionary clause in the deed, if applicable, automatically transferring title of the Property back to DND.
- h. Payment.** Unless otherwise agreed to by DND in writing, the Successful Proposer is required, at the time of conveyance, to make full payment for the Property by Treasurer's or Cashier's Check. In addition, the Successful Proposer will be responsible for paying all recording and registrations fees (including the cost of recording the deed and conveyance documents at the Suffolk County Registry of Deeds), and making a pro forma tax payment.
- i. Reservation of Rights.** DND reserves the right to postpone or withdraw this RFP; to accept or reject any and all proposals; to modify or amend the terms of this RFP through an addendum; to waive any informality, and to interview, question and/or hold discussions regarding the terms of any proposal received in response to this RFP. DND reserves the right to cancel a sale for any reason. DND reserves the right to select the next highest ranked proposal, if the initially Successful Proposer is unable to proceed in a timely manner or otherwise fails to satisfactorily perform. DND reserves the right to waive any requirement or restriction set forth in this RFP or conveyance documents, if such waiver is deemed appropriate by DND, in its sole discretion.
- j. Changes to Program.** DND reserves the right to change aspects of the development program outlined in this RFP, using its best judgment as to the needs of the program and the furtherance of its mission, provided that the rights of the Proposers are not prejudiced.

**END OF
Meridian Street Library
REQUEST FOR PROPOSALS.
DND THANKS YOU FOR YOUR INTEREST**